

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 620 of 2005

Between:

D. Sudershan, S/o Laxmaiah,
Nuclear Fuel Complex, Hyderabad.

..... PETITIONER

AND

1 Government of Andhra Pradesh,

rep., by its Principal Secretary,
Social Welfare (CV.2) Department, Secretariat, Hyderabad.

2 The District Collector,

Ranga Reddy District,

3 The Chief Executive,

Nuclear Fuel Complex, Government of India,
Department of Atomic Energy, ECIL, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to declare the action of the 1st Respondent in not considering the stay application of the petitioner filed on 18-11-2004 filed along with appeal against the order of the 2nd Respondent bearing C2/8335/1997, dated 2-12-2003 as illegal, contrary to Rules and arbitrary by issuing appropriate writ, order or direction more particularly in the nature of Mandamus and consequently direct the 1st Respondent to consider the same in accordance with law.

Counsel for the Petitioner: Mr. K.RAMA SUBBA RAO

Counsel for the Respondents No.1& 2: GP FOR SOCIAL WELFARE

Counsel for the Respondent No. 3: Mr. A. RAJASEKHAR REDDY

The Court at the stage of admission made the following ORDER:

This Writ Petition is filed seeking to declare the action of the 1st respondent in not considering the stay application of the petitioner, filed on 18-11-2004 filed along with appeal against the order of the 2nd respondent bearing No.C2/8335/1997, dated 02-12-2003 as illegal, arbitrary and contrary to Rules.

2. Heard the learned counsel for the petitioner and the respondents and perused the allegations of the affidavit and documents filed along with this Writ Petition.

3. Sri K.Rama Subbarao, learned counsel for the petitioner contended that the 2nd respondent passed an order dated 02-12-2003 cancelling the Schedule Caste Certificate issued to the petitioner. Against the said order, the petitioner admittedly filed a statutory appeal before the 1st respondent on 18-11-2004 which is said to be pending along with the main appeal. The petitioner has filed another application for stay of the appeal of the 2nd respondent, but no orders have been passed.

4. The petitioner cannot be permitted to prosecute two parallel proceedings in respect of the same cause of action or the same impugned proceedings. As the petitioner has already filed a statutory appeal before the 1st respondent and the same is pending with the 1st respondent, the petitioner cannot be permitted to prosecute or invoke the jurisdiction of this Court under Article 226 of the Constitution of India. Therefore, the Writ Petition is devoid of merits.

5. Accordingly, this Writ Petition is disposed of with a direction to the 1st respondent to pass appropriate orders in accordance with law within two months from the date of receipt of a copy of this order. No costs.

(K.C.BHANU,J)

25th January, 2005.

tsy

To

- 1 The Principal Secretary,
Government of Andhra Pradesh,
Social Welfare (CV.2) Department,
Secretariat, Hyderabad.
- 2 The District Collector,
Ranga Reddy District,
- 3 The Chief Executive,
Nuclear Fuel Complex, Government of India,
Department of Atomic Energy, ECIL, Hyderabad.
- 4 Two CCs to G.P.for Social Welfare,
High Court of A.P., Hyderabad (OUT)
5. Two CD copies